IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.8230 OF 2004

LG Electronics India Pvt Ltd, .. Petitioners.

vs

Mr Balasaheb Shankerrao Ganjave, .. Respondents

Mr Kevic Setalvad i/b M/s D.H.Law Associates, for the petitioners.

Mr.P.P.Kakade, for the respondents.

CORAM : D.B.BHOSALE,J.

DATE : 16th October, 2004.

PC:

1. Heard the learned counsel for the parties.

2. Mr.Satalvad, learned counsel for the petitioners, states that he is not pressing this petition and the petitioners will be satisfied if they are given liberty to file an appeal against the judgment and order dated 22.4.2004 passed by the Small causes Court in Spl. Civil Suit no.113 of 2002. He further submits that the respondents be restrained from withdrawing the amount of Rs.3,41,981.25 deposited by the petitioners in the Court in pursuance of the impugned judgment dated 22.4.2004 for a period of three weeks from today to enable the petitioners to file an appeal and seek appropriate interim relief in the appeal. Mr. Kakade, learned

counsel for the respondents, on instructions, states that the respondents have no objection for granting liberty to the petitioners to file an appeal and apply for interim relief therein within a period of three weeks from today subject to the respondents' rights to oppose the reliefs claimed by the petitioners. He further submits that if the petitioners fail to obtain orders from the Court within three weeks, the respondents may be allowed to withdraw the amount deposited by the petitioners. Keeping in view the submissions of the learned counsel for the parties, in my opinion, the following order will meet the ends of justice.

(i) The writ petition is disposed of as not pressed.

(ii) Liberty to the petitioners to file an appeal against the judgment and order dated 22.4.2004 passed in Spl Civil Suit No.113 of 2002 and pray for interim relief within three weeks from today failing which it is open for the respondents to take steps to withdraw the amount deposited by the petitioners in the Court.

(iii) Mr.Satalvad, learned counsel for the petitioners, on instructions, states that the petitioners will not dispose of the office premises at Pune without permission of the Court. His statement is accepted.

(iv) The appeal and the application seeking interim

relief, that will be filed by the petitioners, be dealt with on merits in accordance with law.

(v) While passing this order, I shall not be understood to have examined the merits of the case.

. An authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE, J.)